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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Richard Shupe, et al.,

10 Plaintiffs,

11 v.

12 Bank of America NA,

13 Defendant.
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No. CV-13-00019-TUC-JGZ (JR)

ORDER

15 Pending before the Court is a Report and Recommendation issued by United States
16 Magistrate Judge Jacqueline M. Rateau that recommends denying Plaintiffs' Motion to
17 Amend Complaint. (Docs. 80 and 105.) Plaintiffs filed their objections to the R&R on
18 May 20, 2014 (doc. 110), and Defendant filed a response. (Doc. 115.) As thoroughly
19 explained by Magistrate Judge Rateau, Plaintiffs' motion seeking to add a negligence
20 claim at the close of discovery, if granted, would cause undue delay and unfairly
21 prejudice to Defendant.¹ See *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004).
22 Because Plaintiffs fail to explain their undue delay in bringing the negligence claim and
23 also fail to undermine the analysis and proper conclusion reached by Magistrate Judge
24 Rateau, the objections are rejected, and the Report and Recommendation is adopted.

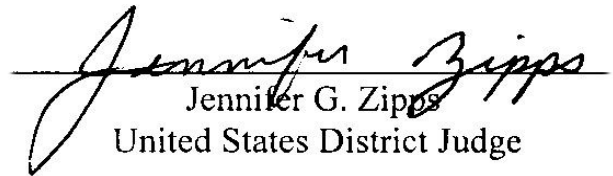
25 Accordingly, IT IS HEREBY ORDERED as follows:
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27 ¹ Plaintiffs also re-raised a harassment claim that was previously withdrawn.
28 Although Plaintiffs indicate in their objections that this was done in error, they do not
formally move to withdraw this claim. (Doc. 110, p. 2.) Moreover, Defendant alleges
that in addition to the new claims, Plaintiffs have also alleged new medical conditions
that would require additional discovery. (Doc. 115, p. 3.)

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- (1) The Report and Recommendation (Doc. 105) is accepted and adopted;
- (2) Plaintiffs' Motion to Amend Complaint (Doc. 80) is denied; and
- (3) This Case remains referred to the Honorable Jacqueline M. Rateau for all pre-trial matters, and pleadings shall be filed under CV-13-00019-TUC-JGZ (JR).

Dated this 16th day of June, 2014.


Jennifer G. Zipp
United States District Judge